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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
WALTER BILOTTA, D.M.D.	:	CONSENT ORDER OF REINSTATEMENT
License No. 22DI00945400	:	
	:	
LICENSED TO PRACTICE DENTISTRY:	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

This matter was opened to the New Jersey State Board of Dentistry upon the application of Walter Bilotta, D.M.D. ("respondent"), seeking to reinstate his license to practice dentistry. In April 2007, respondent ceased practice and voluntarily placed his license on an inactive status, after the Board notified him that it received information that he failed to disclose two (2) Driving While Intoxicated arrests on his biennial renewal for 2005 to 2007. On February 2, 2007, respondent paid a civil penalty of \$1,000.00 for his failure to disclose the arrests which was found to constitute engaging in the use of dishonesty and misrepresentation in violation

of N.J.S.A. 45:1-21(b).

As requested by the Board, Dr. Bilotta provided a psychiatric evaluation by Dr. Ricardo Fernandez, M.D. Dr. Fernandez's report dated September 29, 2011 confirmed respondent's fitness and recovery efforts and supported the restoration of his ability to practice with restrictions, in particular, that respondent's initial re-entry should not be in a solo practice.

In support of respondent's application, Dr. Bilotta provided a report dated November 7, 2011 from Dr. Louis Baxter of the Professional Assistance Program of New Jersey (PAP). According to Dr. Baxter, respondent has demonstrated documented ongoing recovery of over four (4) years. However, he recommended that respondent be allowed to return to practice with restrictions as well including absolute abstinence from all psychoactive substances, random weekly urine monitoring, regular attendance at Alcoholics Anonymous meetings, and monthly meetings with a PAP representative.

Respondent provided a letter dated April 12, 2011 in which he expressed a desire to have the opportunity to practice oral and maxillofacial surgery upon reinstatement and is willing to take all necessary courses to facilitate his re-entry into Oral and Maxillofacial Surgery practice.

Having reviewed the entire record, including the psychiatric evaluation and PAP report from Drs. Fernandez and Baxter

respectively, it appears to the Board that respondent has now demonstrated sufficient rehabilitation, fitness and ability to practice dentistry with restrictions and that he is likely to comply with the conditions set forth in this Order. Respondent has provided a positive evaluation from a mental health professional, and continues to have negative drug screens for prohibited substances. The Board finds that the restrictions placed on respondent's practice by this Order are adequate to protect the health, safety and welfare of the public and that good cause exists for entry of this Order;

IT IS, THEREFORE, ON THIS 4<sup>th</sup> DAY OF April, 2012  
HEREBY ORDERED AND AGREED THAT:

1. The license of Walter Bilotta, D.M.D., to practice dentistry in the State of New Jersey shall be reinstated, expressly contingent upon continuing compliance with, and subject to the restrictions in, this Order. Prior to issuance, Dr. Bilotta shall comply with all administrative issues related to reinstatement, including proof of 80 credits of continuing dental education, payment of applicable fees for his license and his CDS registration.

2. Respondent shall provide proof of successful completion of a review course approved by the Board in Oral Surgery prior to the reinstatement of his license to practice dentistry.

3. Respondent shall successfully complete twenty (20) hours

of continuing dental education devoted to general anesthesia prior to obtaining his general anesthesia permit.

4. Upon his return to active practice, respondent shall practice only in a group setting with other licensed New Jersey dentists. Respondent shall provide the name of the dentist(s) he practices with to the Board immediately upon his return to active practice. Respondent shall provide a copy of this Order to the dentist(s) he practices with. Respondent shall provide semiannual self reports to the Board regarding his personal and professional status with the first report due six (6) months following entry of this order. The terms of this paragraph shall continue until further order of the Board.

5. Respondent shall enroll in and participate with the Professional Assistance Program (PAP) and shall comply with the recommendations for treatment, including but not limited to:

(a) monthly face-to-face contact with representatives from that program for the first twelve (12) months following entry of this order, followed by bi-monthly meetings the next twelve (12) months and thereafter at the discretion of the Executive Medical Director of the PAP;

(b) attendance at support groups, NA or AA, including a Caduceus meeting, at a minimum of three times per week;

(c) random urine monitoring twice weekly for the first year

of licensure, followed by weekly screens for the subsequent year. Thereafter, Dr. Bilotta shall be screened at a frequency as directed by the Executive Medical Director of the PAP.

6. Respondent shall continue individual quarterly visits with a psychiatrist for the first year following reinstatement and continue such visits thereafter, unless and until the psychiatrist in consultation with the Executive Director of the PAP agrees that it is no longer required. Respondent shall cause a quarterly report of his psychiatrist to be sent to the Board regarding respondent's participation and compliance with this requirement, the first report due three (3) months following entry of this order.

7. If respondent discontinues participation with the PAP or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the PAP, he shall be deemed in violation of this Order. After the period specified in this order, reduction in urine monitoring or the number of required face-to-face meetings with the PAP shall be at the discretion of the Executive Medical Director of the Program with notification to the Executive Director of the State Board of Dentistry.

8. Respondent shall abstain from the use of alcohol and from all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior notification

to the Executive Medical Director of the PAP of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

9. The PAP shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery or a relapse, or if respondent terminates recommended counseling or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

10. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Respondent shall notify the PAP if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below

20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The PAP may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

11. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

12. (a) Respondent shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information

which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

13. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

14. Respondent may seek modification of the terms of this order not sooner than six (6) months from the date of its entry. The Board



reserves the right to require respondent's appearance prior to any modification or removal of restrictions set forth in this Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Herbert B. Dolinsky DDS  
Herbert B. Dolinsky, D.D.S.  
President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Walter Bilotta DMD  
Walter Bilotta, D.M.D.

Date 3/20/12

I have read the terms of this consent order and agree on behalf of the PAP to comply with its terms pertaining to the PAP.

Louis E. Baxter M.D.  
Louis E. Baxter, M.D.  
Executive Medical Director, PAP

3/24/12  
Date